PATENT COOPERATION TREATY

PCT

TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B03/0364PC			FOR FURTHER ACTIO	N	See Form PCT/IPEA/416				
International application No.			International filing date (day	/month/year)	Priority date (day/month/year)				
PCT/EP2004/012280			29.10.2004		29.10.2003				
Internatio	onal Patent Classi	fication (IPC) or natio	onal classification and IPC						
C07C2/66, C11D1/22									
Applicant BASF AKTIENGESELLSCHAFT									
1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.									
2.	This REPORT co	onsists of a total of _	4	_ sheets, including	this cover sheet.				
3.	This report is als	o accompanied by Al	NNEXES, comprising:						
	a. (sent	to the applicant and	to the International Bureau) :	a total of 3	sheets, as follows:				
	sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).								
	sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental								
	, 🗖 , .	Box.	D 1) (1) 66 P						
	b (sent	to the International I	Bureau only) a total of (indica	te type and number	r of electronic carrier(s))				
	related	therate in computer	raadabla form only as indic	atad in the Supple	, containing a sequence listing and/or tables				
	related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).								
4.	This report conta	nins indications relation	ng to the following items:						
	Box No.	I Basis of the	report						
	Box No.	II Priority							
	Box No.	III Non-establis	shment of opinion with regard	l to novelty, inventi	ive step and industrial applicability				
	Box No.	IV Lack of unit	y of invention						
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
	Box No. VI Certain documents cited								
	Box No. VII Certain defects in the international application								
	Box No. VIII Certain observations on the international application								
Date of submission of the demand			Date of	of completion of thi	s report				
Name and mailing address of the IPEA/EP			Autho	rized officer					
Facsimile No.			Telepl	none No.					

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012280

Box	No. I	I Basis of the report							
1.		h regard to the language, this report is based on the internation cated under this item.	nal application in the language in	which it	was filed, unless otherwise				
		This report is based on translations from the original langua which is the language of a translation furnished for the purp international search (Rule 12.3 and 23.1(b)) publication of the international application (Rule 12.4)	oses of:		·				
		international preliminary examination (Rule 55.2 and/	or 55.3)						
2.	rece	th regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the reiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to sreport): the international application as originally filed/furnished the description:							
		pages 1-4,6-12			as originally filed/furnished				
		pages*5	received by this Authority on		.2005 with letter .07.2005				
		pages*	received by this Authority on						
	\boxtimes	the claims:							
		nos. 2–11			as originally filed/furnished				
		nos.*	as amended (togethe	r with an					
		nos.* 1		14.07	.2005 with letter				
		nos.*							
	\Box		in the second of		-				
	ш	the drawings:							
		sheets			as originally filed/furnished				
		sheets*							
	\Box	sheets*	received by this Authority on						
	닏	a sequence listing and/or any related table(s) – see Supplement	ental Box Relating to Sequence L	isting.					
3.	Ш	The amendments have resulted in the cancellation of:							
		the description, pages							
		the claims, nos.							
		the drawings, sheets/figs							
		the sequence listing (specify):							
		any table(s) related to sequence listing (specify):							
4.		This report has been established as if (some of) the amend they have been considered to go beyond the disclosure as fil							
		the description, pages							
		the claims, nos.							
		the drawings, sheets/figs							
		the sequence listing (specify):							
		any table(s) related to sequence listing (specify):							
*	If ite	em 4 applies, some or all of those sheets may be marked "supe	erseded."						

International application No.
PCT/EP2004/012280

Box			ticle 35(2) with regard to novelty, inventive step or industrial applicability; poorting such statement	
1.	Statement			
	Novelty (N)	Claims		YES
		Claims	1-11	NO
	Inventive step (IS)	Claims		YES
		Claims	1-11	NO
	Industrial applicability (IA)	Claims	1-11	YES
		Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following document:

D1: WO 03/029172 A (SCHINDLER GOETZ-PETER;
STEINBRENNER ULRICH (DE); BASF AG (DE); MAAS
H) 10 April 2003 (2003-04-10)

Novelty (PCT Article 33(2))

D1 relates to a method of producing alkylaryl compounds and alkylarylsulfonates, alkylaryls and alkylarylsulfonates obtainable by means of this method, the use of the latter as surfactants, preferably in detergents and cleaners, and detergents and cleaners containing these compounds (D1, page 1, lines 8-11). It is already known from D1 that the ratio of terminal phenylalkanes (2- and 3-phenylalkanes) to internal phenylalkanes (4-, 5-, 6-phenylalkanes) plays a roll for the product properties (D1, page 1, lines 29-33). D1 (page 1, lines 29-33) and the present application (page 1, lines 29-30) suggest a 2-phenyl concentration of approximately 20-40% and a 2- and 3-phenyl concentration of approximately 40-60%. D1 (page 2, lines 1-8) and the present application (page 2, lines 1-7) acknowledge that a solution of LAS with very high or very low 2- and 3phenyl concentrations can result in sub-optimal

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

solubility behavior.

The olefins according to the present claim 1 can be produced by means of the method a1-b1-d (page 5, lines 25-34) or a2-b2 (page 6, lines 10-15). The olefins according to D1 can be produced by means of the same methods (page 4, lines 4-13; page 4, line 33 to page 4, line 3). The alkylation process of D1 and of the present application are also carried out using the same catalysts (see D1, page 28, lines 23-31 and the present application, page 6, lines 20-22).

The present application (page 5, lines 20-24) states:
"The olefin mixture can come from a number of sources and can be aftertreated by means of suitable steps ... For example, linear or targetedly branched olefins can be added to a mixture ..." However, such an aftertreatment in not mentioned in the embodiments or in the claims of the present application. Moreover, the fact that such an aftertreatment can be carried out is not regarded as limiting.

Thus D1 uses the same starting products in the same methods as the present application. D1 therefore implicitly discloses that olefins according to the present application are produced in order to produce alkylaryl compounds.

The subject matter of claims 1 to 11 therefore fails to meet the requirement of PCT Article 33(2) and (3).